1

NOTES

MYSORE GOVERNMENT SECRETARIAT

CLASS B

File No. AFD 250 PAF 61

Department of Aff

Section Forest.

Subject :

Disforestment. 1.

References :

Date	To whom sent	Notes and instructions
		FOR/NOT FOR NOTE BOOK UNDER SECRETARY 2 for Under Secretary to Govt

26/12/61
2/2/62 Forest

A
7/4/64

ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ

AF 250 FAF 61 2

c) R.D. has agreed and hence, the draft notification at p 81/c f. may be issued. For orders.

Sg 11/62

6 In the circumstances explained by the DC Coorg in his endorsement of 31.8.1961 (p3/c) and since the C.C.F has no objection to the issue of the notification, the encroachment may be regularised and the notification at page 9/c may issue.

Dy. Secy. 15/1.62.

13.1.62

M (Forests) 21/1
H. S. RUDRAPPA,
Minister for Forests.

22/1

Issued. on 2. FEB 1962

2/2.

DEPUTY SECRETARY TO GOVT. 117/F 15 JAN 1962 AGRICULTURE & FOREST DEPTT.

OFFICE OF THE MINISTER FOR FORESTS No. 2257 16 JAN 1962

AGRICULTURE & FOREST DEPARTMENT No. 334 2 JAN 1962

[redacted]

A.D 250 FAP 67

9 gunthas out

Sub:- Diforestment of an area of ~~xxxxxxxx~~

of Betta S.Nos. 51 X 187 of Kalve Village

Sirsi Tq. Taluk.

L.No. 11377/K Dt. 13/12/67.

B

Office of the
Registrar-I
R.D.
Date. 3 JAN 1962

38

1) In view of the reasons stated by the D.C. Karwar in his letter No.LND-III-7-SR-317 dated 5/5/67. and also as agreed to by the Dvl. Comnr. Belgaum in his letter No. FOR-SR-1058 dt. 31-8-67. and also by the C.C.F. in his letter No. Bg-347-DFR-17 dt. 26 16/12/67. the notification put up may be issued in consultation with Rev. Dept.

26/12/67

2) 7.70. Commencement

3/27/12 RD)

28.XII.67

421
3 JAN 1962

Rev.B.

3) R.D. has no objection since the lands is required for cultivation.

8/1/62

8/1/62

4) ~~xxxxxxxx~~ 8/1

not to

MYSORE GOVERNMENT SECRETARIAT
NO. 1322
13 DEC 1961
FOREST BRANCH

14

No.B3- 347-DFR-1726/61-62 Chief Conservator's Office,
Encl one file Bangalore, dated 10-12-1961.

To

AGRICULTURE & FOREST DEPARTMENT
No. 2P
TAPPAL SECTION
Date 18/12
M. G. S.

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sub:-Disforestment of an area of 9 guntas out of Betta S.Nos. 51 and 187 of Kalave village, Sirsi Taluk.

I enclose herewith the draft disforestment notification along with the connected records received in No.FOR.SR. 1058 dated 31-8-1961 from the Divisional Commissioner, Belgaum on the above subject for perusal.

The Deputy Commissioner, North Kanara in accordance with the instructions contained in para 2 of G.O.No. AFD 6 MRP 58 dated 19-5-1958 has sanctioned the disforestment of 9 guntas out of Betta S.Nos. 51 and 187/2 of Kalave village, Sirsi Taluk, encroached upon by one Sri Govind Ganap Bhat of Kalave by raising Bagayat crops ie., plantains and betelnuts. The Conservator of Forests, Belgaum Circle, is of the view that the word 'cultivation' mentioned in para 2 of the G.O.No.AFD 6 MRP 58 dated 19-5-1958 refers to only growing of food crops and not to any other crops such as raising of plantains and betelnuts and that therefore the action of the Deputy Commissioner in ordering disforestment of the area encroached upon in the Betta lands for raising Bagayat crops is not regular. But the Divisional Commissioner has interpreted that the word 'cultivation' means any crops including Bagayat crops such as plantains and betelnuts.

Government in their No.AFD 6 MRP 58 dated 30-8-1961 have defined the term 'cultivation' appearing in para 7 of the G.O.No.AFD 6 MRP 58 dated 19-5-1958 as cultivation of food crops only. I am of the view that the same definition holds good in respect of the term appearing in para 2 of the Government order No.AFD 6 MRP 58 dated 19-5-1958 also. However, if the Government decide that the word 'cultivation' appearing in para 2 of the Government order dated 19-5-1958 referred to above includes raising of Bagayat crops mentioned above, then there is no objection to publish the disforestment notification in the present case.

Necessary clarification may be communicated early for taking further action in respect of similar cases.

Yours faithfully,

Chief Conservator of Forests.

[redacted]2/11(4)

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crops such as plantains and betelnuts. I, therefore, agree with the views expressed by the Deputy Commissioner, North Kanara in his endorsement No. LND.III/7/SR.317, dated 5-5-1961(Page 95). The Government order bearing No.AFD 6 MRP 58 dated 26-4-1961 referred to by the Conservator of Forests, in his endorsement dated 19-6-1961(Page 97)refers to para 7 and not to para 2 of the Annexture to the Govt. Order dated 19-5-58 mentioned above.

4. Government may therefore, kindly be moved to publish the draft notification, under section 29 of the Indian Forests Act, which is at page 81 ante, as proposed in the Deputy Commissioner North Kanara's letter dated 10-9-60 (Page 83).

5. The papers of the case may be returned to the Deputy Commissioner, North Kanara direct when done with.

O.c.signed by Commissioner.

(B.G. Kaujalgi .)
For Divisional Commissioner, Belgaum.

s 3/8

Through the Chief Conservator of Forests Bangalore

w.cs.

Mid-Sept. B249/61 dt 11 SEP. 1961

Returned to the chief conservator of forests in Mysore, Bangalore to whom it is addressed.

12/9

under Secy., to Govt.,
A & F Deptt.,

11/9

3

Below Conservator of Forests, B.C. Belgaum's No. FOP/DFR/3850/212/60-61, dated 19-6-1961.

No. FOR.SR.1058
Belgaum, 31st August, 1961.

Forwarded w.cs. to the Secretary to Government, Agriculture and Forest Department, Bangalore.

2. In this case one Shri. Govind Ganap Bhat of Kalave had encroached upon an area of 3 Gunthas and 6 Gunthas respectively, out of the Betta S.Nos. 51 and 187/2 of Kalave village, attached to his Malki garden lands i.e. S.Nos. 17 and 46 of the same village, by raising Bagayat crops i.e. plantains and betelnuts. In August 1958 he applied to the Deputy Commissioner, N.Kanara, to grant the encroached portion of the Betta lands, after regularising the encroachments. In accordance with the instructions contained in para 2 of the Annexure to Government Order No AFD 6 MRP.58 dated 19-5-1958, the Deputy Commissioner, North Kanara decided to regularise the encroachment and accordedhis sanction for the disforestment of the encroached area, for granting it to the encroacher,(Page 61). He then submitted the draft disforestment Notifications to Government under his letter No.LND.III.7.SR.317, dated 10-9-1960(Page 83) through the Conservator of Forests B.C. and this office.

3. The Conservator of Forests is of the opinion that the word "cultivation" mentioned in para 2 of the Annexture to the Government Order referred to above refers to only to growing of food crops and not to any other cultivation such as raising of plantains and betelnuts as in this case. This view of the Conservator doesnot appear to be correct in as much as the meaning of the word"cultivation" cannot be restricted only to growing of food crops. The word"cultivation" means cultivation of any crops including raising of Bagayat

7 595

Below Conservator's endorsement No.FOP/DFR/3850/212 60-61 dated 20-4-1961.

No.LND-III/7/SR-317
Karwar, 5-5-1961.

Retransmitted to the Conservator of Forests,B.C. Belgaum together with the case papers.

2. The main demand of the gardeners of Sirsi,Siddapur and Yellapur Talukas put forth at the time of the Forest Conference held at Sirsi during the month of January 1958 was that all the encroachments on betta lands by raising garden crop, Tari crop and also by construction of houses etc. should be regularised by grant in their favour. The A — G.O.No.AFD-6-MRP-58 is the outcome of the said Forest Conference. Hundreds of such encroachments on betta lands as existed on 19-5-1958 have been regularised in Sirsi and Siddapur Talukas since the issue of the said G.O., interpreting the word ' cultivation ' appearing in para 2 of the Annexture to the said Government order meaning both Tari and Bagayat cultivation and draft notifications in all these cases are in the process of being prepared after their measurement, by the D.I.L.R. Draft Notifications in all these cases will be submitted to Government after their receipt from the D.I.L.R.

These cases which have thus been regularised have also been made the basis for supplying informations for answering Assembly Questions.

Bettas are not assigned to Tari lands.They are assigned only to garden lands and encroachments, if any, will be mainly for raising garden crops.There is no reason to interpret the word ' cultivation ' as cultivation for raising paddy crop only.

This case is addressed to Government through the Conservator and the Divisional Commissioner. In case the Conservator does not agree with the interpretation made by the Deputy Commissioner, he may submit the case to the proper authorities with his note of dissent for elucidation by Government.

9 MAY 1961
For/orcy

Deputy Commissioner, N.Kanara.

sbm.5/5.

Conservator of Forests,
Belgaum Circle.
Inward No. 2712
Date 9/5

Copy transmitted to the Deputy Commissioner, N.Kanara, Karwar, for information.

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9 7 (77)

Below Deputy Commissioner, North Kanara's No.LND/III/7/SR-317 of 5-5-1961.

.....

Subject:-Disforestment of an area of 9 gunthas out of Betta S.Nos.51 and 187 of Kalve village.

No.FOP/DFR/3850/212/60-61.
Belgaum, 19 June, 61.

Transmitted to the Divisional Commissioner, Belgaum.

2. It can be seen from the foregoing endorsement of the Deputy Commissioner, North Kanara, Karwar, that he has ordered in several cases disforestment of encroached areas from the Betta S.Nos. though the encroachments were made by the garden holders for purposes other than cultivation, i.e. growing crops, under the provisions contained in para 2 of the annexture to G.O.No.AFD.6 MRP-58 of 19-5-1958 - though there is no scope to attach any meaning to the term "cultivation" referred to in the said G.R., other than cultivation of land for growing food crops. In this connection, reference is invited to G.O.No.AFD 6 MRP 58 dated 26-4-1961, under which the Government have stated that for clarification of the term "cultivation" used in G.O. of 19-5-1958, separate orders will be issued. In view of this, the action of the Deputy Commissioner in ordering disforestment of encroached areas from Betta lands, utilised for purposes other than cultivation for growing food crops, without obtaining Government sanction in each case seems to be not regular.

For SR-1058

RB/FOR
19 JUN 1961

D. Nanjundappa
(D.Nanjundappa) 17/6
Conservator of Forests,
Belgaum Circle.

P.16/6.

0821. (530)

2) Dml. Com. Belgium.

3) D. c. N. K.

~~to. G?~~

4) R. D.

to. G

11. 9 84

GOVERNMENT OF MYSORE

No. AFD 250 FAF 61

Mysore Government Secretariat,
Vidhan Soudha,

Dated, Bangalore, - -1960.

NOTIFICATION

In exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Bombay area, the Government of Mysore hereby directs that the land in the Sirsi Taluka of the North Kanara District specified in the schedule hereto annexed which is a part of the land declared by the Government of Bombay to be protected forest under Government Notification No. 3068-C dated 3-5-1899 shall cease to be protected forest from the date of this Notification.

SCHEDULE

Village.	B.S.No.	Area. A- G- A	Remarks
Kalve	51	0-3-0	To be amalgamated in S.No.17
	187	0-6-0	To be amalgamated in S.No.46.

Boundaries for the area to be amalgamated in S.No.46

North) Betta S.No. 187
East)

South : Betta S.No.187 & S.No.47.

West : S.No. 46.

Boundaries for the area to be amalgamated in S.No.17

North) Betta S.No.51
East)
South)

West :- S.No. 17.

By order and in the name of the Governor of Mysore,

Deputy Secretary to Government,
Agriculture and Forest Department.

T. R. Jayaram
Forest Settlement Officer,
Kanara.

Deputy Commissioner
North Kanara, Karwar.

To

CCF with Records w.r.t. his MB3-345 - DFR-1726/61-62 dt 10.12.61

12

GOVERNMENT OF MYSORE.

No.AFD 250 FAF 61.

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, 9 FEB 1962

NOTIFICATION.

In exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Bombay area, the Government of Mysore hereby directs that the land in the Sirsi Taluka of the North Kanara District specified in the schedule hereto annexed which is a part of the land declared by the Government of Bombay to be protected forest under Government Notification No.3068-C, dated the 3rd May 1899 shall cease to be protected forest from the date of this Notification.

SCHEDULE

Village.	R.S.No.	Area. A-G-A.	Remarks.
Kalve	51	0-3-0	To be amalgamated in S.No.17.
	137	0-6-0	To be amalgamated in S.No.46.

Boundaries for the area to be amalgamated in S.No.46.

North: Betta S.No.137.
East :
South: Betta S.No.137 & S.No.47.
West : S.No.46.

Boundaries for the area to be amalgamated in S.No.17.

North:
East : Betta S.No.51.
South:
West : S.No.17.

By order and in the name of the
Governor of Mysore,

Sd/-
(S.V. Prabhu)
Under Secretary to Government,
Agriculture & Forest Department.

To
The Compiler, Mysore Gazette for publication in the Gazette.
Copies to -

1. The Divisional Commissioner, Belgaum, with reference to his No.FCR-SR-1953, dated 21-3-1961.
2. The Deputy Commissioner, N. Kanara, (with case papers) with reference to his letter No.LND-III/7/SR-317, dated 5-2-1961
3. The Chief Conservator of Forests, Bangalore, with reference to his No.B3-347-DFR-1726/61-62, dated 10-12-1961
4. The Revenue Department, with a request to dispose of the land according to rules and having regard to the ceilings fixed under the Tenancy Law.
5. The Weekly Gazette.

(S.V. Prabhu)
Under Secretary to Government,
Agriculture & Forest Department.

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13

GOVERNMENT OF MYSORE.

No.AFD 250 FAF 61.

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, 2 FEB 1962

NOTIFICATION.

In exercise of the powers conferred by section 20 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Bombay area, the Government of Mysore ~~hereby~~ hereby directs that the land in the Sirsi Taluka of the North Kanara District specified in the schedule hereto annexed which is a part of the land declared by the Government of Bombay to be protected forest under Government Notification No.3068-C, dated the 3rd May 1899 shall cease to be protected forest from the date of this Notification.

SCHEDULE

Village.	R.S.No.	Area. A-G-A.	Remarks.
Kalve	51	0-3-0	To be amalgamated in S.No.17.
	137	0-6-0	To be amalgamated in S.No.46.

Boundaries for the area to be amalgamated in S.No.46.

North: Betta S.No.137.
East :
South: Betta S.No.137 & S.No.47.
West : S.No.46.

Boundaries for the area to be amalgamated in S.No.17.

North :
East : Betta S.No.51.
South :
West : S.No.17.

By order and in the name of the
Governor of Mysore,

Sd/-
(S.V. Prabhu)
Under Secretary to Government,
Agriculture & Forest Department.

To
The Compiler, Mysore Gazette for publication in the Gazette.
Copies to -

1. The Divisional Commissioner, Belgaum, with reference to his No.FCR-SR-1058, dated 31-8-1961.
2. The Deputy Commissioner, N. Kanara, (with case papers) with reference to his letter No.LNC-III/7/SR-317, dated 5-6-1961.
3. The Chief Conservator of Forests, ~~Xxxxx~~ Bangalore, with reference to his No.RB-247-375-1726/61-62, dated 10-12-1961.
4. The Revenue Department, with a request to dispose of the land according to rules and having regard to the ceilings fixed under the Tenancy Law.
5. The Weekly Gazette.

(S.V. Prabhu)
Under Secretary to Government,
Agriculture & Forest Department.

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